

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

D. GEORGE SWEIGERT

Plaintiff,

vs.

JASON GOODMAN,

Defendant

Case No.: 1:18-cv-08653-VEC-SDA

**MOTION SEEKING LEAVE TO AMEND
ANSWER TO INCLUDE A SPECIAL
MOTION TO DISMISS PURSUANT TO
NEWLY ENHANCED NYCVR § 76-A
AND THE FIRST AMENDMENT OF THE
UNITED STATES CONSTITUTION**

Defendant Jason Goodman Pro Se respectfully seeks leave of the court to amend his answer and file a special motion to dismiss under New York's recently enhanced (anti-SLAPP) Civil Rights Law NYCVR § 76-A pursuant to Fed. R. Civ. P. rule 15(a)(2) which states "The court should freely give leave when justice so requires." Rule 60(b)(3) of the Fed R. Civ. P allows the court to relieve a movant from a standing order should new evidence come to light revealing fraud, misrepresentation or misconduct by an opposing party. Defendant alleges Plaintiff has engaged in misconduct including but not limited to misuse of USPS resources, spoliation of evidence and deceitful pleadings regarding these and other substantial matters in this case. Plaintiff initiated this action for an improper purpose to obstruct Defendant's First Amendment rights and chill public discussion concerning the abuse of the civil justice system and social engineering in social media. Plaintiff is a published author in the field of "ethical" hacking and social engineering and as such, a limited purpose public figure with regard to those matters. Defendant comes now seeking leave because the new anti-SLAPP law was enacted on November 10, 2020 and came to Defendant's attention only recently. New tangible evidence of misrepresentation and spoliation of evidence on the part of Plaintiff has come to light during the MOTION SEEKING LEAVE TO AMEND ANSWER TO INCLUDE A SPECIAL MOTION TO DISMISS PURSUANT TO NEWLY ENHANCED NYCVR § 76-A AND THE FIRST AMENDMENT - 1

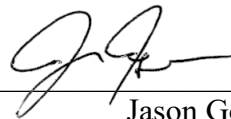
1 course of discovery. No trial has been scheduled as yet and granting leave at this time would not
2 be prejudicial.

3 New York's newly amended anti SLAPP law seeks to relieve the courts and Defendants
4 by quickly disposing of meritless, frivolous suits brought for the purpose of chilling First
5 Amendment protected public speech, precisely the circumstance Defendant alleges in this matter.
6 For the reasons set forth in the included memorandum in support of this motion, Plaintiff's
7 complaint should be dismissed with prejudice and the court should declare D. George Sweigert a
8 vexatious litigant and enjoin him indefinitely from initiating future civil law suits as a Pro Se
9 Plaintiff.
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11 I hereby attest that the pleadings herein are accurate and true under penalties of perjury.
12 Further, I hereby attest that the attached exhibits are accurate and true copies of source
13 documents as described.
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18 Respectfully submitted

19 April 11, 2021

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28 MOTION SEEKING LEAVE TO AMEND ANSWER TO INCLUDE A SPECIAL MOTION TO DISMISS
PURSUANT TO NEWLY ENHANCED NYCVR § 76-A AND THE FIRST AMENDMENT - 2